

Duane Morris

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October 7, 2013

VIA ECF

The Honorable Shira A. Scheindlin
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: **Dedra De La Rosa v. 42nd Apple LLC d/b/a Applebees, Dave
& Buster's of New York, Inc., and FC 42nd Street Associates,
L.P.; Docket No. 13-CV-1036 (SAS) (SN)**

Dear Judge Scheindlin:

We represent defendant FC 42nd Street Associates, L.P. (the Landlord) in the above-entitled action. With the consent of all the parties, we write to respectfully ask the Court to adjourn the October 22, 2013 pre-trial conference pending the outcome of the settlement conference before Magistrate Judge Sarah Netburn. The parties had a settlement conference before Judge Netburn on July 18, 2013 and a second settlement conference has been re-scheduled for October 30, 2013 at 10:00 am. In the meantime, the parties continue to engage in good-faith settlement discussions to resolve this matter.

With regard to discovery, Judge Netburn stayed discovery pending the settlement conference and will be issuing a new discovery schedule if the settlement conference does not resolve this litigation at the October 30th conference. This is the first request for an adjournment of this conference (although the second request for an extension of the pre-trial conference during the pendency of this action) and the parties have been advised that Judge Netburn has advised Your Honor of this request.

Request to adjourn the
Oct. 22 conference is denied.

So Ordered.

10/15/13

Shira A. Scheindlin
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Thank you for your time and attention to this matter.

Very truly yours,



Michael Tiliakos

MT/ap
cc: all parties via ECF